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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,708	12/15/2000	Tomoyuki Asano	450101-02456	3247
20999	7590	03/08/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			MOORTHY, ARAVIND K	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/719,708

Applicant(s)

ASANO ET AL.

Examiner

Aravind K Moorthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-24 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 15 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This is in response to the communications on 30 December 2004.
2. Claims 1-24 are pending in the application.
3. Claims 1-24 have been rejected.

***Response to Amendment***

4. The examiner approves the new title to the application. The new title more clearly indicates the invention to which the claims are directed.
5. With the amendment to claim 5, the applicant has made it more clear as to whether the input means stores or receives the first reproduction control information. The examiner withdraws the claim rejections 35 USC § 112 (2).

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

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international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**7. Claims 1-8 and 10-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Blatter U.S. Patent No. 6,584,275 B1.**

As to claim 1, Blatter discloses a data processing system comprising:

the first data processing apparatus having a setting means that sets the first copy control information showing the copy control state of data in a header of a data packet and the second copy control information showing the copy control state of the data set in greater detail than the first copy control information in a data portion of the data packet and an output means that outputs the first copy control information, the second copy control information and the data [column 3, lines 9-49]; and

the second data processing apparatus having an input means that inputs the first copy control information showing the copy control state of data in the header and the second copy control information showing the copy control state of the data set in greater detail than the first copy control information and the data and a controlling means of copy that determines the copy control state of the data based on the first copy control information and second copy control information inputted by the input means and controls the copy of the data according to the determination result [column 4, lines 16-65].

As to claim 2, Blatter discloses that the data processing system further comprises the third data processing apparatus having an input means that inputs the first copy control information showing the copy control state of data [column 4, lines 16-65]. Blatter discloses that the second copy control information defines the copy control state of the data in greater detail than the first copy control data and the data [column 4, lines 16-65]. Blatter discloses a controlling means of copy that determines the copy control state of the data based only on the first copy control information among the first copy control information and the second copy control information inputted by the input means, and controls the copy of the data according to the determination result [column 4, lines 16-65].

As to claim 3, Blatter discloses that the setting means in the first data processing apparatus sets the first copy control information based on the detailed copy state of data constituting the second copy control information [column 4, lines 16-65].

As to claims 4, 14, 17 and 21, Blatter discloses that the output means stores the first copy control information in the header section of transmission signals and the second copy control information and the data in the data section of the transmission signals to create transmission signals and to output the same [column 3, lines 9-49].

As to claim 5, Blatter discloses that the input means in the second data processing apparatus receives and stores the first copy control information stored in the header section of a transmission signal and the second copy control information and data stored in the data section of the transmission signals and inputs the first copy control information, the second copy control information and the data [column 5, lines 14-36].

As to claims 6, 8, 18 and 22, Blatter discloses that the copy control means renews the copy control state for reproducible data according to the determination result and controls the copy of the data [column 5 line 55 to column 6 line 16].

As to claim 7, Blatter discloses that the input means in the third data processing apparatus receives the first copy control information stored in the header section of a transmission signal and the second copy control information and the data stored in the data section of the transmission signal and inputs the first copy control information and the second copy control information and the data [column 4, lines 16-65].

As to claim 10, Blatter discloses a data processing method comprising the steps of:

- creating the second copy control information defining more roughly the copy control state than the first copy control information based on the first copy control information defining the copy control state of data to be transmitted [column 3, lines 9-49];

- storing the second copy control information of the data in the packet header of the data packet carrying the data and storing the first copy control information in the data portion of the data packet [column 3, lines 9-49]; and

- transmitting simultaneously the first copy control information and second copy control information as well as the data [column 3, lines 9-49].

As to claims 11, 15, 19 and 23, Blatter discloses that the first copy control information is information showing one of a plurality of copy control states and the second copy control information is information showing one of a larger number of copy control states than the copy control states shown by the first copy control information [column 5, lines 14-36]. Blatter

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discloses that each of the copy control states indicated by the second copy control information is linked with one of the copy control states shown by the first copy control information [column 5, lines 14-36].

As to claim 12, Blatter discloses a data processing apparatus comprising:

a setting means that sets the first copy control information showing the copy control state of data in a header of a data packet and the second copy control information showing the data set in greater detail than the first copy control information in a data portion of the data packet [column 3, lines 9-49]; and

an output means that outputs the first copy control information, the second copy control means and the data [column 3, lines 9-49].

As to claim 13, Blatter discloses that the setting means sets the first copy control information of data of data based on the second copy control information constituting detailed copy control state of data [column 3, lines 9-49].

As to claims 16 and 20, Blatter discloses a data processing apparatus comprising:

an input means that inputs the first copy control information showing the copy control state of data, the second copy control information showing the copy control state of the data set in greater detail than the first copy control information and the data [column 3, lines 9-49]; and

a copy control means that determines the copy control state of the data based on the first copy control information and the second copy control information inputted by the input means and controls the copy of the data according to the determination result [column 4, lines 16-65];

whereby the first copy control information is included in a header of a data packet and the second copy control information is included in a data portion of the data packet [column 4, lines 16-65].

As to claim 24, Blatter discloses an information signal processed by a data processing apparatus that records data, the information signal comprising:

the first copy control information showing the copy control state of data [column 3, lines 9-49];

the second copy control information showing the copy control state of the data set in greater detail than the first copy control information [column 3, lines 9-49]; and

the data proper [column 3, lines 9-49];

whereby the first copy control information is included in a header of a data packet and the second copy control information is included in a data portion of the data packet [column 3, lines 9-49].



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter U.S. Patent No. 6,584,275 B1 as applied to claim 1 above, and further in view of Tanaka et al U.S. Patent No. 6,298,355 B1.**

As to claim 9, Blatter does not teach that the first copy control information is information showing one of a plurality of copy control states and the second copy control information is information showing one of a larger number of copy control states than the copy control states shown by the first copy control information. Blatter does not teach that each of the copy control states indicated by the second copy control information is linked with any one of the copy control states shown by the first copy control information.

Tanaka et al teaches that the first copy control information is information showing one of a plurality of copy control states and the second copy control information is information showing one of a larger number of copy control states than the copy control states shown by the first copy control information. Tanaka et al teaches that each of the copy control states indicated by the second copy control information is linked with any one of the copy control states shown by the first copy control information [column 5, lines 1-52].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blatter so that the first copy control information

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would have been information showing one of a plurality of copy control states and the second copy control information would have been information showing one of a larger number of copy control states than the copy control states shown by the first copy control information. Each of the copy control states would have been indicated by the second copy control information that was linked with any one of the copy control states shown by the first copy control information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blatter by the teaching of Tanaka et al because it provides a computer system capable of executing a data copy on main storage with efficiency in asynchronism with and independently of the operation of each of the processors [column 2, lines 36-43].

### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

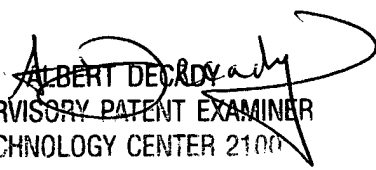
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy   
March 2, 2005

  
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